



UTAH STATE SENATE

UTAH STATE CAPITOL COMPLEX • 320 STATE CAPITOL
P.O. BOX 145115 • SALT LAKE CITY, UTAH 84114-5115 • (801) 538-1035

February 15, 2018

Mr. President,

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 171**, INTERVENTION AS A MATTER OF RIGHT AMENDMENTS, by Senator J. Stuart Adams, with the following amendments:

1. *Page 1, Line 1:*

1 INTERVENTION {~~AS A MATTER OF RIGHT~~} AMENDMENTS

2. *Page 1, Lines 12 through 16:*

12 This bill:

13 ▶ provides that the Legislature may intervene as a matter of right in litigation
under

14 certain circumstances;

▶ addresses federal cases;

15 ▶ requires the attorney general to provide notice to the legislative general counsel;
and

16 ▶ makes technical changes.

3. *Page 3, Lines 74 through 80:*

74 (b) The Legislature has an unconditional right to intervene in a state court
action {~~when~~} if a

75 party to that court action challenges:

76 (i) the constitutionality of a state statute;

Bill Number



SB0171

Action Class



S

Action Code



SCRAMD

- 77 (ii) the validity of legislation; or
78 (iii) any action of the Legislature.

(c) For a federal court action that challenges the constitutionality of a state statute, the validity of legislation, or any action of the Legislature, the Legislature may seek permissive intervention in accordance with federal rules of procedure, or the ability to file an amicus brief in accordance with federal rules of procedure.

- 79 ~~{(c)}~~ **(d)** The attorney general shall notify the legislative general
 counsel of a claim ~~{described~~
80 **in Subsection (4)(b)}** in accordance with Subsection 67-5-1(24).

4. *Page 7, Lines 183 through 185:*

- 183 (24) notify the legislative general counsel in writing within three business days
 after
184 the day on which the attorney general ~~{becomes aware}~~ **is officially notified**
 of a claim ~~{described in Subsection~~
185 **36-12-7(4)(b)}** **, regardless of whether the claim is filed in state or federal court,**
 that challenges:
 (i) the constitutionality of a state statute;
 (ii) the validity of legislation; or
 (iii) any action of the Legislature .

Respectfully,

Don L. Ipson
Chair

Voting: 5-1-2